

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BRIDGET PARKER,
Plaintiff

V.

JOSH DALL-LEIGHTON,
SCOTT LANDRY,
RANDALL LIBERTY,
RENEE SHANKS,
DR. JOSEPH FITZPATRICK, and
STATE OF MAINE,
Defendants

Docket No. 2:17-CV-00216-GZS

ANSWER AND AFFIRMATIVE DEFENSES OF RENEE SHANKS

NOW COMES Renee Shanks, by and through her attorneys, Patrick S. Bedard, and David Bobrow, and in Answer to the Plaintiff's Complaint, state as follows:

- (1) That the Defendant Renee Shanks (hereafter Shanks) admits the allegations contained in paragraph (1) of the Plaintiff's Complaint.
- (2) That the Defendant Shanks admits the allegations contained in paragraph (2) of the Plaintiff's Complaint.
- (3) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (3) of the Plaintiff's Complaint.
- (4) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (4) of the Plaintiff's Complaint.
- (5) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (5) of the Plaintiff's Complaint.
- (6) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (6) of the Plaintiff's Complaint.

- (7) That the Defendant Shanks admits the allegations contained in paragraph (7) of the Plaintiff's Complaint.
- (8) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (8) of the Plaintiff's Complaint.
- (9) That the Defendant Shanks admits the allegations contained in paragraph (9) of the Plaintiff's Complaint.
- (10) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (10) of the Plaintiff's Complaint.
- (11) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (11) of the Plaintiff's Complaint.
- (12) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (12) of the Plaintiff's Complaint.
- (13) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (13) of the Plaintiff's Complaint.
- (14) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (14) of the Plaintiff's Complaint.
- (15) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (15) of the Plaintiff's Complaint.
- (16) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (16) of the Plaintiff's Complaint.
- (17) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (17) of the Plaintiff's Complaint.
- (18) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (18) of the Plaintiff's Complaint.
- (19) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (19) of the Plaintiff's Complaint.
- (20) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (20) of the Plaintiff's Complaint.
- (21) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (21) of the Plaintiff's Complaint.

- (22) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (22) of the Plaintiff's Complaint.
- (23) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (23) of the Plaintiff's Complaint.
- (24) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (24) of the Plaintiff's Complaint.
- (25) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (25) of the Plaintiff's Complaint.
- (26) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (26) of the Plaintiff's Complaint.
- (27) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (27) of the Plaintiff's Complaint.
- (28) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (28) of the Plaintiff's Complaint.
- (29) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (29) of the Plaintiff's Complaint.
- (30) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (30) of the Plaintiff's Complaint.
- (31) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (31) of the Plaintiff's Complaint.
- (32) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (32) of the Plaintiff's Complaint.
- (33) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (33) of the Plaintiff's Complaint.
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- (36) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (36) of the Plaintiff's Complaint.

- (37) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (37) of the Plaintiff's Complaint.
- (38) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (38) of the Plaintiff's Complaint.
- (39) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (39) of the Plaintiff's Complaint.
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- (42) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (42) of the Plaintiff's Complaint.
- (43) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (43) of the Plaintiff's Complaint.
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- (45) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (45) of the Plaintiff's Complaint.
- (46) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (46) of the Plaintiff's Complaint.
- (47) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (47) of the Plaintiff's Complaint.
- (48) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (48) of the Plaintiff's Complaint.
- (49) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (49) of the Plaintiff's Complaint.
- (50) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (50) of the Plaintiff's Complaint.
- (51) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (51) of the Plaintiff's Complaint.

- (52) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (52) of the Plaintiff's Complaint.
- (53) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (53) of the Plaintiff's Complaint.
- (54) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (54) of the Plaintiff's Complaint.
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- (58) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (58) of the Plaintiff's Complaint.
- (59) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (59) of the Plaintiff's Complaint.
- (60) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (60) of the Plaintiff's Complaint.
- (61) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (61) of the Plaintiff's Complaint.
- (62) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (62) of the Plaintiff's Complaint.
- (63) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (63) of the Plaintiff's Complaint.
- (64) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (64) of the Plaintiff's Complaint.
- (65) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (65) of the Plaintiff's Complaint.
- (66) That the Defendant Shanks denies the allegations contained in paragraph (66) of the Plaintiff's Complaint.

- (67) That the Defendant Shanks denies the allegations contained in paragraph (67) of the Plaintiff's Complaint.
- (68) That the Defendant Shanks admits the allegations contained in paragraph (68) of the Plaintiff's Complaint.
- (69) That the Defendant Shanks admits that she told the Plaintiff she could be trusted and would try to get her a new job because she did not like her current job, but denies the remainder of the allegations contained in paragraph (69) of the Plaintiff's Complaint.
- (70) That the Defendant Shanks denies the allegations contained in paragraph (70) of the Plaintiff's Complaint.
- (71) That the Defendant Shanks admits that she talked to the Plaintiff by phone and by text but denies the remaining allegations contained in paragraph (71) of the Plaintiff's Complaint.
- (72) That the Defendant Shanks denies the allegations contained in paragraph (72) of the Plaintiff's Complaint.
- (73) That the Defendant Shanks denies the allegations contained in paragraph (73) of the Plaintiff's Complaint.
- (74) That the Defendant Shanks admits she told the Plaintiff she did not like C/O Stearns and may have commented that the Defendant Dall-Leighton wanted to be happy, but denies the remainder of the allegations contained in paragraph (74) of the Plaintiff's Complaint.
- (75) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (75) of the Plaintiff's Complaint.
- (76) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (76) of the Plaintiff's Complaint.
- (77) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (77) of the Plaintiff's Complaint.
- (78) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (78) of the Plaintiff's Complaint.
- (79) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (79) of the Plaintiff's Complaint.
- (80) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (80) of the Plaintiff's Complaint.

- (81) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (81) of the Plaintiff's Complaint.
- (82) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (82) of the Plaintiff's Complaint.
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- (89) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (89) of the Plaintiff's Complaint.
- (90) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (90) of the Plaintiff's Complaint.
- (91) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (91) of the Plaintiff's Complaint.
- (92) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (92) of the Plaintiff's Complaint.
- (93) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (93) of the Plaintiff's Complaint.
- (94) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (94) of the Plaintiff's Complaint.
- (95) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (95) of the Plaintiff's Complaint.

- (96) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (96) of the Plaintiff's Complaint.
- (97) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (97) of the Plaintiff's Complaint.
- (98) That the Defendants Shanks denies the allegations contained in paragraph (98) of the Plaintiff's Complaint.
- (99) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (99) of the Plaintiff's Complaint.
- (100) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (100) of the Plaintiff's Complaint.
- (101) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (101) of the Plaintiff's Complaint.
- (102) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (102) of the Plaintiff's Complaint.
- (103) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (103) of the Plaintiff's Complaint.
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- (109) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (109) of the Plaintiff's Complaint.
- (110) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (110) of the Plaintiff's Complaint.

- (111) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (111) of the Plaintiff's Complaint.
- (112) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (112) of the Plaintiff's Complaint.
- (113) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (113) of the Plaintiff's Complaint.
- (114) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (114) of the Plaintiff's Complaint.
- (115) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (115) of the Plaintiff's Complaint.
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- (117) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (117) of the Plaintiff's Complaint.
- (118) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (118) of the Plaintiff's Complaint.
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- (120) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (120) of the Plaintiff's Complaint.
- (121) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (121) of the Plaintiff's Complaint.
- (122) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (122) of the Plaintiff's Complaint.
- (123) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (123) of the Plaintiff's Complaint.
- (124) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (124) of the Plaintiff's Complaint.
- (125) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (125) of the Plaintiff's Complaint.

(126) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (126) of the Plaintiff's Complaint.

(127) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (127) of the Plaintiff's Complaint.

(128) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (128) of the Plaintiff's Complaint.

(129) That the Defendants Shanks denies the allegations contained in paragraph (129) of the Plaintiff's Complaint.

(130) That the Defendants Shanks denies the allegations contained in paragraph (130) of the Plaintiff's Complaint.

(131) That the Defendants Shanks denies the allegations contained in paragraph (131) of the Plaintiff's Complaint.

(132) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (132) of the Plaintiff's Complaint.

(133) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (133) of the Plaintiff's Complaint.

(134) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (134) of the Plaintiff's Complaint.

(135) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (135) of the Plaintiff's Complaint.

(136) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (136) of the Plaintiff's Complaint.

(137) That the Defendants Shanks admits she asked Tasha on two occasions if anyone had taken advantage of her while she was here, once on December 15th and on a later occasion, which Tasha denied both times, but only the second time could the question have included a reference to the Defendant Dall-Leighton, which reference would have been made only if he was under investigation at the time, and Shanks denies the remaining allegations contained in paragraph (137) of the Plaintiff's Complaint.

(138) That the Defendants Shanks admits she did not report her conversation with Tasha to anyone because there was nothing to report, but denies the remaining allegations contained in paragraph (138) of the Plaintiff's Complaint.

(139) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (139) of the Plaintiff's Complaint.

- (140) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (140) of the Plaintiff's Complaint.
- (141) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (141) of the Plaintiff's Complaint.
- (142) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (142) of the Plaintiff's Complaint.
- (143) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (143) of the Plaintiff's Complaint.
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- (146) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (146) of the Plaintiff's Complaint.
- (147) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (147) of the Plaintiff's Complaint.
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- (151) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (151) of the Plaintiff's Complaint.
- (152) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (152) of the Plaintiff's Complaint.
- (153) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (153) of the Plaintiff's Complaint.
- (154) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (154) of the Plaintiff's Complaint.

- (155) That the Defendant Shanks does not have sufficient information so can neither admit nor deny the allegations contained in paragraph (155) of the Plaintiff's Complaint.

COUNT II-NEGLIGENCE

- (160) That the Defendant Shanks repeats and realleges her answers to the allegations previously made in this Complaint and incorporates them by reference as if set forth herein.
- (161) That the Defendants Shanks denies the allegations contained in paragraph (161) of the Plaintiff's Complaint.
- (162) That the Defendants Shanks denies the allegations contained in paragraph (162) of the Plaintiff's Complaint.
- (163) That the Defendants Shanks denies the allegations contained in paragraph (163) of the Plaintiff's Complaint.

WHEREFORE the Defendant Shanks prays that this Honorable Court grant her a judgment, plus costs and attorney's fees allowed by law.

COUNT V-NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

- (174) That the Defendant Shanks repeats and realleges her answers to the allegations previously made in this Complaint and incorporates them by reference as if set forth herein.
- (175) That the Defendants Shanks denies the allegations contained in paragraph (175) of the Plaintiff's Complaint.
- (176) That the Defendants Shanks denies the allegations contained in paragraph (176) of the Plaintiff's Complaint.

WHEREFORE the Defendant Shanks prays that this Honorable Court grant her a judgment, plus costs and attorney's fees allowed by law.

COUNT XII-EIGHTH AMENDMENT, MAINE CONSTITUTION, ARTICLE 1, SECTION 9- SECTION 1983 ACTION

- (197) That the Defendant Shanks repeats and realleges her answers to the allegations previously made in this Complaint and incorporates them by reference as if set forth herein.
- (198) That the Defendant Shanks admits the allegations contained in paragraph (198) of the Plaintiff's Complaint.

(199) That the Defendant Shanks denies the allegations contained in paragraph (199) of the Plaintiff's Complaint.

WHEREFORE the Defendant Shanks prays that this Honorable Court grant her a judgment, plus costs and attorney's fees allowed by law.

AFFIRMATIVE DEFENSES

- (1) The Plaintiff does not state a claim upon which relief can be granted against the Defendant Shanks.
- (2) That the Defendant Shanks is entitled to immunity under section 1983 for her actions, including qualified immunity.
- (3) That the Defendant Shanks is entitled to immunity under the Maine Tort Claims Act pursuant to immunity provided by 14 M.R.S.A. 8111(1)(C) and immunity provided by 8111(1)(E), which are discretionary function immunity and intentional act immunity.
- (4) That Parker did not exhaust her administrative remedies in accordance with the Prison Litigation Reform Act (PLRA) of 1996, 42 U.S.C. section 1997(e)(a), and other applicable provisions of the PLRA.
- (5) That Parker did not comply with the notice and other applicable provisions of the Maine Tort Claims Act.

RESPECTFULLY SUBMITTED:
RENEE SHANKS
By Her Attorneys
DAVID J. BOBROW, ME Bar No. 9164
PATRICK S. BEDARD, ME Bar No. 3813
BEDARD & BOBROW, PC.
P.O. Box 366
9 Bradstreet Lane
Eliot, ME 03903
207-439-4502

Date: December 20, 2017

/s / David J. Bobrow
David J. Bobrow, Esq.

Date: December 20, 2017

/s / Patrick S. Bedard
Patrick S. Bedard, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the Answer And Affirmative Defenses Of Renee Shanks on all counsel on record via the ECF system.

Date: December 20, 2017
Patrick S. Bedard, Esq.

/s / Patrick S. Bedard